

## **Chapter 1 Official Oaths and Bonds**

### **52-1-1 Official bonds to run to state, county, municipality, or other agency.**

When the law directs that a public officer shall give a bond without prescribing to whom it shall run it shall be made, if the public officer is a state officer, to the state; if a county, precinct or district officer, to the county; if a municipal officer, to the city, town, or metro township; and if a school officer, to the board of education.

Amended by Chapter 176, 2016 General Session

### **52-1-2 Bonds to state -- Approval and recording -- Filing of oaths.**

- (1) Unless otherwise provided in statute, if a state officer or an official of a state institution is required to give an official bond to the state, the state officer or executive director of the state institution shall:
  - (a) ensure that the bond is provided as required by statute; and
  - (b) keep the bond on file at the administrative office of the:
    - (i) state officer or the state institution; or
    - (ii) Division of Risk Management.
- (2) A state official shall file the state official's oath of office with the Division of Archives and Records Service created under Section 63A-12-101.

Repealed and Re-enacted by Chapter 336, 2011 General Session

### **52-1-3 County, precinct and district officers -- Where filed.**

Official oaths and bonds of county, precinct and district officers shall be filed with the county clerk, except those of the county clerk which shall be filed with the county treasurer.

No Change Since 1953

### **52-1-4 City officers -- Where filed.**

Official oaths and bonds of city officers shall be filed with the city recorder, except those of the city recorder which shall be filed with the city treasurer.

No Change Since 1953

### **52-1-5 Town officers -- Where filed.**

Official oaths and bonds of town officers shall be filed with the town clerk, except those of the town clerk which shall be filed with the town treasurer.

No Change Since 1953

### **52-1-5.1 Metro township officers -- Where filed.**

Official oaths and bonds of metro township officers shall be filed with the county clerk.

Enacted by Chapter 176, 2016 General Session

**52-1-6 School district officers -- Where filed.**

Official oaths and bonds of school district officers shall be filed with the clerk of the board of education, except those of the clerk which shall be filed with the treasurer of the board of education.

No Change Since 1953

**52-1-7 Bonds to be deemed security.**

The official bond of a public officer shall be deemed a security to the state, county, city, town, school district or other municipal or public corporation, as the case may be, and also to all persons severally, for official delinquencies against which it is intended to provide.

No Change Since 1953

**52-1-8 Official bonds -- Actions on -- Parties.**

When a public officer by official misconduct or neglect of duty shall forfeit his official bond or render his sureties liable thereon, any person injured by such misconduct or neglect, or who is by law entitled to the benefit of the security, may maintain an action thereon in his own name against the officer and his sureties to recover the amount to which he may by reason thereof be entitled.

No Change Since 1953

**52-1-9 Successive actions on official bonds.**

A judgment in favor of a party for one delinquency does not preclude the same or another party from suing on the same security for another delinquency, but sureties can be made liable in the aggregate only to the extent of their undertaking.

No Change Since 1953

**52-1-10 Duties imposed by subsequent laws covered by bond -- Informalities in bond not to affect validity.**

The bonds of all civil officers shall cover duties required by laws passed subsequent to giving them. No bond shall be void for failure to comply with the law as to matters of form, but it shall be valid as to all matters contained therein, if it complies substantially with the law.

No Change Since 1953

**52-1-11 Bonds to cover special penalties and liabilities.**

Whenever, except in criminal prosecutions, any special penalty, forfeiture or liability is imposed upon any officer for nonperformance or malperformance of his official duties, the liability therefor attaches to the official bond of such officer.

No Change Since 1953

**52-1-12 Cost of bonds -- How paid.**

The cost of any official bond required to be furnished by any public treasurer shall be paid out of the funds in the respective treasuries.

No Change Since 1953

**52-1-13 Sureties -- Approval -- Personal surety bond -- Requirements.**

- (1) In all cases where a bond is required of any public officer in this state, either a corporate surety bond or a personal surety bond may be given. The bonds shall be subject to approval as provided by law. A personal surety bond may not be approved except with two or more sureties.
- (2) Each surety shall first make and file an affidavit declaring that the individual is a resident of the state of Utah and is worth the sum specified in the undertaking, over and above all of the individual's debts and liabilities and exclusive of property exempt from execution. The individual shall include in the affidavit a detailed statement of all of the individual's assets and liabilities.
- (3) Any person who makes a material false statement with respect to Subsection (2) is guilty of a third degree felony.
- (4) If there are more than two sureties, they may express in their affidavits that they are worth amounts less than that expressed in the bond if the whole amount of all sureties is equivalent to double the penalty of the bond.
- (5) No premium on any surety bond with personal sureties may be paid from any public funds.
- (6) The several boards, courts, or officers authorized by law to approve surety bonds may require sureties on personal surety bonds to justify annually. In the case of failure to justify, the boards or officers may require additional sureties or a new bond. In case of failure of any public officer to have the public officer's sureties justify when required or to furnish additional sureties when required, the board or officer charged with the duty of approving the bond of the officer shall declare the office vacant within 60 days after notice personally served upon the officer. At the expiration of the 60-day period, the office shall become vacant unless the sureties justify or additional qualified sureties are furnished within the period.

Amended by Chapter 121, 2013 General Session